

STATE OF SOUTH CAROLINA )

(Caption of Case) )

Petition to Establish Docket to Consider Implementing  
the Requirements of: )Section 1307 (State Consideration of Smart Grid) of  
the Energy Independence & Security Act of 2007 )BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

## COVER SHEET

DOCKET  
NUMBER: 2008 - 447 - EG

(Please type or print)

Submitted by: Catherine E. Heigel

SC Bar Number: 9268

Address: 526 S. Church Street, EC03T

Telephone: 704-382-8123

Charlotte, NC 28202

Fax: 704-382-5690

Other:

Email: catherine.heigel@duke-energy.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

## DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition☐ Request for item to be placed on Commission's Agenda  
expeditiously☒ Other: Motion for Admission Pro Hac Vice and Verified Application of Brian Lamont Franklin

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input checked="" type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		



**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2008-447-EG**

In the Matter of:	)	
	)	
Petition to Establish Docket to Consider	)	
Implementing the Requirements of:	)	<b>MOTION FOR ADMISSION <i>PRO</i></b>
	)	<b><i>HAC VICE</i></b>
Section 1307 (State Consideration of	)	
Smart Grid) of the Energy Independence	)	
& Security Act of 2007	)	

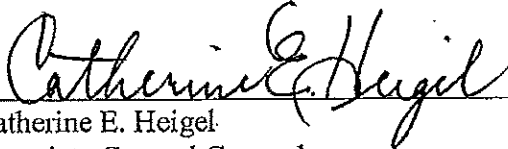
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Duke Energy Carolinas, LLC ("Duke Energy Carolinas" or the "Company") hereby moves the Public Service Commission of South Carolina (the "Commission") to permit Brian Lamont Franklin to practice *pro hac vice* before the Commission in the above-captioned matter.

Pursuant to SCACR 404, Mr. Franklin, together with counsel of record, is simultaneously filing a copy of the Verified Application for Admission *Pro Hac Vice* with the South Carolina Supreme Court. Attached is the original Verified Application.

WHEREFORE, as the provisions set forth in SCACR 404 have been satisfied, Duke Energy Carolinas requests this motion be granted.

Dated this 28<sup>th</sup> day of May 2009.

  
\_\_\_\_\_  
Catherine E. Heigel  
Associate General Counsel  
Duke Energy Carolinas, LLC  
526 S. Church Street, EC03T  
Charlotte, North Carolina 28202

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2008-447-EG**

In the Matter of: )  
)  
Petition to Establish Docket to Consider )  
Implementing the Requirements of: )  
)  
Section 1307 (State Consideration of )  
Smart Grid) of the Energy Independence )  
& Security Act of 2007 )

**CERTIFICATE OF SERVICE**

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This is to certify that I have caused to be served this 28<sup>th</sup> day of May 2009 one copy of Duke Energy Carolina, LLC's *Motion for Admission Pro Hac Vice* via first class United States mail, postage prepaid, to the persons named below at the addresses set forth:

Joseph Wojcicki  
820 East Steele Raod  
West Columbia, SC, 29170

Len S. Anthony , General Counsel  
Progress Energy Carolinas, Incorporated  
Post Office Box 1551  
Raleigh, NC, 27602

Rick D. Chamberlain , JD, CPA  
Behrens, Taylor, Wheeler and Chamberlain  
6 NE 63rd, Suite 400  
Oklahoma City, OK, 7310

Damon E. Xenopoulos , Esquire Brickfield  
Burchette Ritts & Stone, PC  
1025 Thomas Jefferson Street, NW  
8th Floor - West Tower  
Washington, DC, 20007

E. Wade Mullins, III , Counsel  
Bruner Powell Robbins Wall & Mullins  
Post Office Box 61110  
Columbia, SC, 29260

Joey R. Floyd , Counsel  
Bruner, Powell, Robbins, Wall & Mullins  
Post Office Box 61110  
Columbia, SC, 29260

M. John Bowen, Jr., Counsel  
McNair Law Firm, P.A.  
Post Office Box 11390  
Columbia, SC, 29211

Thomas L. Moses, Counsel  
Monahan and Moses, LLC  
13-B West Washington Street  
Greenville, SC, 29601

Scott M. Tyler, Counsel  
Moore & Van Allen, PLLC  
100 North Tryon Street, Suite 4700  
Charlotte, NC, 28202-4003

Michael K. Lavanga, Counsel  
Nucor Steel - South Carolina  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, DC, 20007

Shannon Bowyer Hudson, Counsel  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC, 29201

Jane Lewis-Raymond  
Vice President and General Counsel  
Piedmont Natural Gas Company, Inc.  
Post Office Box 33068  
Charlotte, NC, 28233

K. Chad Burgess, Senior Counsel  
South Carolina Electric & Gas Company  
1426 Main Street, MC 130  
Columbia, SC, 29201

Sue-Ann Gerald Shannon, Counsel  
McNair Law Firm, P.A.  
Post Office Box 11390  
Columbia, SC, 29211

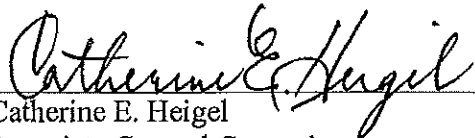
Robert R. Smith, II, Counsel  
Moore & Van Allen, PLLC  
100 North Tryon St., Suite 4700  
Charlotte, NC, 28202

Thomas S. Mullikin, Counsel  
Moore & Van Allen, PLLC  
100 North Tryon Street, Suite 4700  
Charlotte, NC, 28202

Nanette S. Edwards, Counsel  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC, 29201

Jane Lewis-Raymond  
Vice President and General Counsel  
Piedmont Natural Gas Company, Inc.  
Post Office Box 33068  
Charlotte, NC, 28233  
Ken Baker  
Senior Manager of Sustainable Regulation  
Sam Walton Development Complex  
Department 9566  
2001 SE 10th Street  
Bentonville, AR, 72716-0550

This 28<sup>th</sup> day of May 2009.

  
Catherine E. Heigel  
Associate General Counsel  
Duke Energy Carolinas, LLC  
P. O. Box 1006, EC03T  
Charlotte, NC 28201-1006  
Tel: 704-382-8123  
Email: Catherine.Heigel@duke-energy.com



OFFICE OF THE GENERAL COUNSEL

Duke Energy Corporation  
EC03T / P.O. Box 1006  
Charlotte, NC 28201

CATHERINE E. HEIGEL  
Associate General Counsel  
704.382.8123 OFFICE  
704.382.5690 FAX  
catherine.heigel@duke-energy.com

May 28, 2009

VIA OVERNIGHT DELIVERY

South Carolina Supreme Court  
Office of Bar Admissions  
1231 Gervais Street  
Columbia, South Carolina 29201

Re: SC PSC Docket Nos. 2005-385-E (Net Metering); 2009-3-E (Duke Energy Carolinas, LLC Fuel); and 2008-447-EG (Smart Grid)

Dear Clerk:

Enclosed for filing please find a copy of three Applications for Admission Pro Hac Vice and Certificate of Good Standing of Brian Lamont Franklin in the above-referenced cases. Also enclosed is the required filing fee of \$250.00 per Application.

Should you need additional information, please contact me at the number listed above.

Sincerely,

  
Catherine E. Heigel

Enclosures

cc: Parties of Record  
Mr. Charles Terreni, Chief Clerk, SC PSC

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*  
IN THE STATE OF SOUTH CAROLINA**

IN THE MATTER OF:

Docket No. 2008-447-BG

Petition to Establish Docket to Consider  
Implementing the Requirements of:

Public Service Commission of South Carolina

Section 1307 (State Consideration of Smart Grid) of  
the Energy Independence & Security Act of 2007

Mailing Address:

101 Executive Center Drive, Suite 100  
Columbia, South Carolina 29210

Comes now, Brian L. Franklin, applicant herein, and respectfully represents the following:

1. Applicant resides at:

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of)

Duke Energy Corporation, with offices at  
526 South Church Street

Street Address

<u>Charlotte</u>	<u>Mecklenburg</u>	<u>North Carolina</u>	<u>28202</u>
City	County	State	Zip Code

<u>980-373-4465</u>	<u>704-382-4494</u>
Telephone	Fax Number

3. Applicant has been retained personally or as a member of the above named law firm by Duke Energy Carolinas, LLC to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.

4. Since June of 2006, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of North Carolina where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:  
United States District Court, Northern District of Illinois

Date Admitted:  
May 2001

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before).

Applicant no longer is licensed to practice in Illinois. Applicant allowed registration to lapse following permanent relocation to North Carolina in 2006.

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

Not applicable

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

Not applicable

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

Not applicable

9. Local counsel of record associated with applicant in this case is Catherine E. Heigel, of Duke Energy Corporation, which has offices at:

526 South Church Street

Street Address

Charlotte

City

Mecklenburg

County

North Carolina

State

28202

Zip Code

704-382-8123

Telephone

If applicable list all other firms/attorneys you are associated with in this matter

Not applicable

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

Applicant has not previously filed applications to appear *pro hac vice* for cases in South Carolina. However, simultaneous with this application, Applicant is filing applications to appear *pro hac vice* in the following two matters:

- Before the Public Service Commission of South Carolina, Docket No. 2009-3-E, Annual Review of Base Rates for Fuel Costs for Duke Energy Carolinas, LLC; Local counsel of record is Catherine E. Heigel of Duke Energy Corporation; and
- Before the Public Service Commission of South Carolina, Docket No. 2005-385-E, Petition of the Office of Regulatory Staff to Establish Dockets to Consider Implementing the Requirements of:

Section 1251 (Net Metering and Additional Standards of the Energy Policy Act of 2005); Local counsel of record is Catherine E. Heigel of Duke Energy Corporation.

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 28<sup>th</sup> day of May, 2009.

  
APPLICANT



VERIFICATION

STATE OF North Carolina )

COUNTY OF Mecklenburg )

I, Borhan L. Franklin, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.

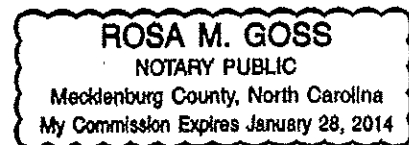
Borhan L. Franklin  
APPLICANT/AFFIANT

Subscribed and sworn to before me this 28<sup>th</sup> day of May, 2009.

R.M. Goss

Notary Public for the State of North Carolina

My Commission Expires: 1/28/2014



### LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 28 day of May, 2009.

Catherine E. Hargul  
LOCAL COUNSEL OF RECORD

### CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 28<sup>th</sup> day of May, 2009.

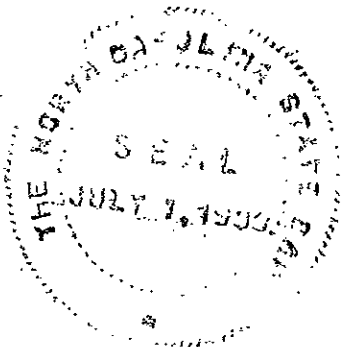
Greg F. Neal  
APPLICANT/AFFIANT

# The North Carolina State Bar

I, L. Thomas Lunsford, II, Secretary of the North Carolina State Bar, do hereby certify that Mr. Brian Lamont Franklin (35075) was licensed to practice law by the State of North Carolina on June 30, 2006. Said lawyer is presently eligible to practice law in North Carolina and, therefore, in good standing with the North Carolina State Bar. This certificate has no reference to delinquent membership obligations, prior discipline, or any disciplinary charges or grievances that may be pending.

Given over my hand and the Seal of the North Carolina State Bar, this

29th day of April, 2009.



A handwritten signature in dark ink, appearing to read "L. Thomas Lunsford, II", written over a horizontal line.

Secretary of the North Carolina State Bar